

MINUTES
SAN DIEGO COUNTY PLANNING COMMISSION
Regular Meeting – March 13, 2009
DPLU Hearing Room, 9:00 a.m.

The meeting convened at 9:00 a.m., recessed at 10:24 a.m., reconvened at 10:38 a.m. and adjourned at 11:55 a.m.

A. ROLL CALL

Commissioners Present: Beck, Brooks, Day, Norby, Pallinger, Riess (out at 10:52 a.m.), Woods

Commissioners Absent: None

Advisors Present: Lantis, Sinsay (DPW); Taylor (OCC)

Staff Present: Aquino, Baca, Beddow, Brown, Farace, Gibson, Giffen, Grunow, Johnston, Lubich, Murphy, Powers, Raya, Rosenberg, Slovic, Smith, Steinhoff, Jones (recording secretary)

B. Statement of Planning Commission's Proceedings, Approval of Minutes for the Meeting of February 13, 2009.

Action: Beck - Riess

Approve the Minutes of February 13, 2009.

Ayes: 7 - Beck, Brooks, Day, Norby, Pallinger, Riess, Woods
Noes: 0 - None
Abstain: 0 - None
Absent: 0 - None

C. Public Communication: Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction but not an item on today's Agenda.

None.

D. Announcement of Handout Materials Related to Today's Agenda Items

E. Requests for Continuance

Administrative:

F. Formation of Consent Calendar (Items 2 - SPA 06-005, 5 – P06-057, 6 – P88-044W, and 7 – TM 5491RPL³/S06-015)

G. Director's Report:

- Staff provides an update on the Spring 2009 Zoning Ordinance Amendments schedule and Water Conservation Landscape Ordinance. It is Staff's intent to perform at least two Zoning Ordinance updates per year. Commissioner Woods compliments Staff's endeavors, particularly with respect to bringing all the stakeholders together early in the Ordinance-revision process to obtain their input. Commissioner Norby advises Staff that he will be looking closely at the list of prohibited plants when the Landscape Ordinance is presented to the Planning Commission. In response to Commissioner Beck's questions regarding water audits for individual homes, Staff explains that the Landscape Ordinance will require water budgets from the owners of new homes and those who modify previously submitted landscape plans. Staff will be working with other water agencies to determine how best to implement the Ordinance, and how best to enforce it.

TPM 20725, Agenda Item 1:

1. Ruffin/Johnson Tentative Parcel Map (TPM) 20725, Pala-Pauma Community Plan Area (continued from February 27, 2009)

Appeal of a decision by the Director of Planning and Land Use to deny Tentative Parcel Map (TPM) 20725 because the applicant failed to provide an acceptable fire protection plan. Specifically, the project does not include secondary access as required by State law (California Code of Regulations Title 14) and the County Fire Code. Also, the project site, located near the terminus of Rancho Heights Road in the Pala-Pauma Community Plan Area, cannot be served within the General Plan emergency travel time limit. The applicant proposes to subdivide 73.8 acres into 4 residential parcels, including a remainder parcel. The project site is subject to the (18) Multiple Rural Land Use Designation, and is zoned (A70), Limited Agriculture. This item was originally heard by the Planning Commission on July 25, 2008. At that time, the Commission gave the applicant a six month period to resolve the secondary access and response time issues. The applicant has submitted no new information to the Department of Planning and Land Use since the July 2008 hearing.

Disclosure: Commissioner Norby informs Staff that he has reviewed an audio recording of the Planning Commission's July 25, 2008 consideration of this TPM.

Staff Presentation: Rowan for Smith

Proponents: 11; **Opponents:** 0

Discussion:

On July 25, 2008, the Planning Commission postponed further consideration of this proposal, and directed that the applicant return in six months with proof that the proposed project conforms to the County's General Plan and the Zoning Ordinance, including provisions for a secondary access, and a commitment from the fire district for either annexing the property or providing emergency service. Staff was directed to refrain from working on this project until all indebtedness to the County had been resolved, and the applicant was to ensure that his account was brought current and remained solvent.

TPM 20725, Agenda Item 1:

Staff informs the Planning Commission that the project continues to fail meeting access requirements. The Commission is reminded that the project site is located at the end of Rancho Heights Road, a dead-end road 21,650' in length, as measured from Pala-Temecula Road (the nearest road allowing the opportunity to evacuate the area in two directions). Alternate routes to the south of the project site are impassable without a four-wheel drive vehicle, gate access and permission from the Pala Indian Reservation. No access is possible from the east or west. The proposed escape route is more than 16 times the maximum allowable length for a dead-end road located in a State-emergency response area in which Cal-Fire is the responsible authority. Staff explains that secondary access is mandated when a dead-end road exceeds the maximum length. Staff further explains that Rancho Heights Road is also extremely heavily vegetated with highly combustible plants located along its edges. This road is quite narrow with no plant fuel management, and varies from 20-24 feet wide in some areas and from 10 to 12 feet wide in others. Future residents would be forced to travel 4.1 miles along this road to escape during a fire emergency. Staff explains that the Santa Ana winds blow towards the project site from a north-to-northeasterly direction, and the type of vegetation visible during Staff's visit to the project site will create 70' to 107' flame heights during Santa Ana wind-driven fires.

The applicant has returned to the Planning Commission today with none of the information requested by the Planning Commission on July 25, 2008, and his account remains in deficit. He is adamant that a shelter-in-place fire-protection plan should be considered for this project instead of requiring that he provide a secondary access road, but the County's fire marshal has determined that this project site is not a good candidate for a shelter-in-place program. Staff explains that shelter-in-place development requires extensive and closely monitored fuel management and on-going educational programs for community residents. Staff also reminds the Commission that most shelter-in-place programs include provisions for secondary access.

It is pointed out to the Planning Commission that Staff has attempted to work with the applicant for more than six years to resolve this issue with no success. Staff clarifies that the applicant is only being requested to provide the most basic of services, a secondary road to and from his property. Because of his refusal to do so, County, State and local fire officials have all recommended that the proposed project be denied.

TPM 20725, Agenda Item 1:

The applicant reiterates that many improvements have been made to the property since its purchase, including installation of a water system, electrical and telephone power, and establishment of an improvement district. The applicant maintains that Staff's interpretation of secondary access requirements is unrealistic, as are existing emergency-service response time requirements in rural areas. He informs the Planning Commission that the General Plan Update proposes 40-acre minimum zoning in this area, which would negate his ability to subdivide this property in the future. The applicant also acknowledges that he has been negligent in responding to Staff's requests for information, and the Planning Commission's direction that he resolve his account deficits.

Commissioner Day, who is somewhat displeased with the applicant's lack of response to the Commission's directions, reminds those in attendance that the applicant was aware in July 2008 that neither Staff nor the Planning Commission would accept shelter-in-place fire management for this project site. While the Planning Commissioners strongly support the shelter-in-place concept, they agree that its application in this project could have devastating impacts, particularly when considering the amount of plant fuel that currently exists in this location and the amount of clearing required to create a shelter-in-place development.

Members of the audience support the applicant's position and disagree with requirements for secondary access. They insist that Staff's review process with respect to fire service access is unfair to applicants and lacks transparency. They maintain that Title 14 does not require secondary access, nor does the Fire Code, and they inform the Commission that Fire Protection Districts allow flexible designs and/or other options for those encountering problems providing secondary access. They maintain that Staff must work with them to develop a shelter-in-place model.

Commissioner Day believes establishment of a regional fire board of appeals should be promoted. With respect to shelter-in-place, he reminds the audience members that each project must be evaluated individually, and the proposed TPM is clearly not appropriate for it. Commissioner Day reminds those in attendance that this project has significant issues, issues the applicant was requested to respond to in July 2008. The applicant did not respond to the Planning Commission or Staff, nor did he pay the required fees, all of which has resulted in a waste of Staff's and the Planning Commission's time and resources. The Planning Commissioners voice unanimous support for Commissioner Day's comments.

TPM 20725, Agenda Item 1:

Action: Day – Riess

Deny the appeal.

Ayes: 7 - Beck, Brooks, Day, Norby, Pallinger, Riess, Woods

Noes: 0 - None

Abstain: 0 - None

Absent: 0 - None

SPA 06-005, Agenda Item 2:

2. East Otay Mesa Specific Plan Subarea 1, Specific Plan Amendment (SPA) 06-005, Otay Subregional Plan Area

Minor amendments are being proposed to the East Otay Mesa Business Park Specific Plan (Subarea 1) to correct problems related to landscape requirements for public roads, modify the land use plan for the Heavy Industrial area, define development standards for correctional facilities in the Heavy Industrial designation, and miscellaneous corrections to the Subarea 1 plan. The Specific Plan Amendment (SPA) covers an area comprising 3,300 acres (Subareas 1 and 2), generally located south of Otay River Valley, north of the international border with Mexico, west of the San Ysidro Mountains and east of the City of San Diego and State Route 905 in the Otay Subregional Plan Area.

Staff Presentation: Rosenberg

Proponents: 1; **Opponents:** 0

This Item is approved on consent.

Action: Riess - Norby

1. Recommend that the Board of Supervisors adopt the Resolution of Approval for SPA 06-005, make the appropriate Findings and include those requirements and Conditions necessary to ensure that the project is implemented in a manner consistent with State law and the County General Plan; and
2. Adopt the "Environmental Review Checklist Form for projects with Previously Approved Environmental Documents" on file with the Department of Planning and Land Use as Environmental Review Number 93-19-006X.

Ayes:	7 -	Beck, Brooks, Day, Norby, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None

V54-161W¹, Agenda Item 3:

3. Buxton Variance Modification, V54-161W¹, Sweetwater Community Plan Area

Appeal of the September 25, 2008 decision of the Director of Planning and Land Use to deny Variance Modification V54-161W¹, which is a request for a reduction in the front yard setback from 50' to 35', to allow the construction and use of an addition to the existing single family residence. The project is located at 3747 Avenida San Miguel in the Sweetwater Community Plan Area.

Staff Presentation: Johnston

Proponents: 1; **Opponents:** 0

Discussion:

Staff provides a brief report on this proposal and informs the Commission that three of the required Findings cannot be made. Staff acknowledges that the site is heavily constrained, but believes it can be developed without encroaching into the setbacks. In addition, the proposed residence is larger than any other residences in the area, and the project would impede plans for future road improvements on Avenida San Miguel.

Commissioner Riess announces that he's very familiar with the area and agrees the topography is somewhat constrained. He points out that the older homes in the area are much smaller than that resulting from the proposed extension, but many of the new homes are much larger than the applicant's. He is not adverse to granting the applicant's appeal, nor are several other Planning Commissioners. The applicant's representative informs the Commissioners that many neighboring property owners have encroached into their front-yard setbacks because of the topography.

Commissioner Beck notes that the map provided by Staff delineates a significant amount of unconstrained land on the project site. He also notes that though there are no plans to widen Avenida San Miguel at this time, there is an existing easement for such improvements, which would result in the proposed addition being located 10 feet from the road.

V54-161W¹, Agenda Item 3:

Action: Day - Pallinger

Tentatively grant the appeal and the Variance.

Discussion of the Action:

Commissioner Day believes the proposed extension would align with the existing garage and the existing home's design. He and several other Planning Commissioners believe the required Findings can be met. Commissioner Norby reminds the applicant that the Variance process shouldn't be taken lightly. He notes that there are other ways for the applicant to accommodate his plans, though they might be more costly. He supports Staff's denial of the Variance.

Ayes:	4 -	Brooks, Day, Pallinger, Woods
Noes:	2 -	Beck, Norby
Abstain:	0 -	None
Absent:	1 -	Riess

TM 5388RPL³ and R07-009, Agenda Item 4:

4. Lago De San Marcos Condominiums, TM5388RPL³, R07-009, North County Metropolitan Subregional Community Plan Area

Proposed Tentative Map for an eight-building, 42-unit residential condominium development. Also proposed is a Zone Reclassification to allow three-story structures. The units will be served by a private driveway accessed via Lake San Marcos Drive. The driveway will also serve as easements for public sewer and water utilities. The project site is located on the southeast corner of Rancho Santa Fe Road and Lake San Marcos in the North County Metropolitan Subregional Community Planning area.

Staff Presentation: Powers

Proponents: 1; **Opponents:** 0

Disclosure: Commissioner Norby announces that he visited the project site.

Discussion:

Following Staff's presentation, the Planning Commission is informed that there is an approved Map for a three-story multi-family structure currently under development in the area. Staff clarifies that the applicant is not proposing to change the height of the proposed structures, merely the number of stories.

Project opponents maintain that the proposal isn't compatible with the surrounding neighborhood and will substantially increase traffic. They inform the Planning Commission that there are many single-story homes surrounding the project site, and urge the Commission to retain the current zoning. Project opponents were also opposed to construction of a two-story proposal on this project site a few years ago. Commissioner Brooks points out that the project site is currently zoned for commercial development. He explains that the applicant could conceivably construct a 32' tall building and locate it closer to the site boundaries without encroaching on any of the setbacks.

TM 5388RPL³ and R07-009, Agenda Item 4:

Action: Pallinger - Brooks

1. Adopt the Mitigated Negative Declaration on file with the Department of Planning and Land Use;
2. Adopt the Resolution approving TM 5388RPL3 to allow development of a 42-unit residential condominium development on property located on the south corner of Lake San Marcos Boulevard and Rancho Santa Fe Road. The Resolution makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in a manner consistent with the Subdivision Ordinance and State law. The approval of this Tentative Map shall become effective 30 days after the adoption of this Resolution, which shall not occur until Zoning Reclassification R07-009 has become effective; and
3. Recommend that the Board of Supervisors adopt the Form of Ordinance changing the zoning classification of certain property, R07-009.

Ayes: 5 - Brooks, Day, Norby, Pallinger, Woods
Noes: 0 - None
Abstain: 0 - None
Absent: 2 - Beck, Riess

P06-057, Agenda Item 5:

5. Guffanti Telecommunications Facility, Major Use Permit P06-057, North County Metro Subregional Plan Area

Request for a Major Use Permit to authorize the construction and operation of an unmanned wireless facility at 2250 Tierra Verde Road in the North County Metro Subregional Plan Area. The facility includes a 35' tall flagpole with three panel antennas mounted inside. Supporting equipment consists of a 10' tall equipment enclosure and two air conditioning units that will be surrounded by a 9.5-foot high Concrete Masonry Unit (CMU) wall. The project will occupy 376 square-feet of the 1.07-acre parcel. The project is subject to the Current Urban Development Area (CUDA) Regional Land Use Element Policy and (2) Residential Land Use Designation. The project site is zoned RR1 (Rural Residential).

Staff Presentation: Lubich

Proponents: 1; **Opponents:** 0

This Item is approved on consent.

Action: Riess – Norby

Grant Major Use Permit P06-057, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in manner consistent with the Zoning Ordinance and State Law.

Ayes:	7 -	Beck, Brooks, Day, Norby, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None

P88-044W, Agenda Item 6:**6. SDG&E Training Facility, Major Use Permit P88-044W, Central Mountain Subregional Plan Area (Aquino)**

Proposed Major Use Permit Modification to add an operator training facility on a 19.2-acre parcel currently used for maintenance and operations involving two buildings, dispatch activities, storage and parking. The existing operations were approved by Major Use Permit, P88-044, in 1989. The proposed training facility will consist of a graded training yard, classroom trailer, fenced area, decomposed granite access road, and parking area. Training will include dozer and grading training, digger derrick training, boom trucks, bobcats and backhoe training. Other training activities include wire stringing, pole-hole digging, pole removal, shoring and grading. Training programs will take place 3 to 4 days a month and will include approximately 2 to 6 SDG&E employees per session. The proposed SDG&E operator training facility is located west of Old Highway 80 and Interstate 8, and north of the Old Highway 80 and Buckman Springs Road intersection in the Central Mountain Subregional Plan Area.

Staff Presentation:

Proponents: 0; **Opponents:** 0

This Item is approved on consent.

Action: Riess - Norby

Grant Major Use Permit P88-044W, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in manner consistent with the Zoning Ordinance and State Law.

Ayes:	7 -	Beck, Brooks, Day, Norby, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None

TM 5491RPL³ and S06-015, Agenda Item 7:

7. Ildica Street Condominium Complex, Tentative Map (TM) 5491RPL³ and Site Plan S06-015, Spring Valley Community Plan Area

Request for a Tentative Map and Site Plan to convert nine existing detached duplex apartments into 18 condominium units. The property is located north of Ildica Street between Hawkins and Ildica Way in the Spring Valley Community Plan Area, and is subject to the (7) Residential Land Use Designation.

Staff Presentation: Slovick

Proponents: 1; **Opponents:** 0

Discussion:

This Item is approved on consent.

Action: Riess – Norby

1. Adopt the Resolution approving TM 5491RPL³ to convert nine detached duplex apartments into 18 condominium units. The Resolution includes the appropriate Findings, requirements and Conditions necessary to ensure that the project is implemented in a manner consistent with the Subdivision Ordinance and State law.
2. Grant Site Plan S06-015, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in a manner consistent with the County Zoning Ordinance and State law.

Ayes: 7 - Beck, Brooks, Day, Norby, Pallinger, Riess, Woods
Noes: 0 - None
Abstain: 0 - None
Absent: 0 - None

Administrative:

G. Report on actions of Planning Commission's Subcommittees:

None.

H. Designation of member to represent the Planning Commission at Board of Supervisors meeting(s):

Action: Day - Pallinger

Commissioner Beck will attend the March 25, 2009 Board of Supervisors hearing on the County's Vegetation Management Program plan.

Ayes: 5 - Brooks, Day, Norby, Pallinger, Woods
Noes: 0 - None
Abstain: 0 - None
Absent: 2 - Beck, Riess

I. Discussion of correspondence received by the Planning Commission:

Commissioner Norby recently attended a conference on Sustainable Energy. He believes this is an issue that warrants further discussion.

J. Scheduled Meetings:

March 27, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
April 10, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
April 24, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
May 8, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
May 22, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
June 5, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
June 19, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room

TM 5388RPL³ and R07-009, Agenda Item 4:

July 10, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
July 24, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 7, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 21, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 4, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 19, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 2, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 16, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 30, 2009	Planning Commission Workshop, 9:00 a.m., DPLU Hearing Room
November 13, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 4, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 18, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room

There being no further business to be considered at this time, the Chairman adjourned the meeting at 11:55 a.m. to 9:00 a.m. on April 10, 2009 in the DPLU Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California.